

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER ADDISON, DAVID WILLETT, and  
JAMES VANDERHEYDT.

Docket No. 10-CV-1435  
(ADS)(ARL)

Plaintiffs.

- against -

REITMAN BLACKTOP, INC., REITMAN  
SEALCOATING, INC., and ROBERT RIETMAN, an  
individual

Defendants.

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**DECLARATION**

DAVID G. GABOR, an attorney duly admitted to practice law before the Courts of the State of New York and in the United States District Court for the Eastern District of New York, declares the following to be true under all of the penalties of perjury:


1. That I am a partner with the law offices of Gabor & Gabor, counsel for the defendants Reitman Blacktop, Inc., Reitman Sealcoating, Inc., and Robert Rietman.
2. This declaration is offered in support of defendants' motion to vacate the default.
3. Annexed hereto as defendants' **Exhibit A** is a proposed Answer to the First Amended Complaint.
4. My office was retained as counsel for the defendants late in the day on Thursday, November 4, 2010. I called Penn U. Dodson, Esq., in the afternoon on Thursday and left a message. Ms. Dodson returned the call on Friday, November 5, 2010. At that time I requested that she stipulate to allow the defendants to answer the Amended Complaint and to vacate any default. I explained that my office had just been retained by the defendants. Ms. Dodson refused our request. Accordingly, I advised Ms. Dodson that I would be making the instant motion.

Motion to Vacate.

5. The plaintiffs' Motion for Entry of Default and for Default Judgment was filed on October 20, 2010. The Clerk's Certificate of Default was entered on November 3, 2010. This application is being filed less than one (1) week later.

**WHEREFORE**, it is respectfully requested that the relief sought by the defendants be granted in its entirety together with such other and further relief as to this Court deems just and proper.

Dated: Garden City, New York  
November 8, 2010

  
A handwritten signature in black ink, appearing to read "D. Gabor", is written over a horizontal line. Below the line, the name "DAVID G. GABOR" is printed in a serif font.